

### **REMARKS**

Claims 1–3, 5-13 and 15 - 22 are now pending in the application. Claims 1 and 5 are amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

1. Claims 1 to 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. This rejection is respectfully traversed.

Claim 1 has been amended to call for an alloy composition represented by  $R_x(Fe_{1-y}Co_y)_{100-x-z-w}B_zNb_w$  where R is at least one rare-earth element that consists of Nd and Pr. Wang et al does not teach such an alloy composition. More particularly, Wang et al teaches an alloy that includes Nd and Dy, which is different from the claimed invention. Moreover, Wang et al contains no suggestion or motivation to employ an alloy with at least one rare earth element that consists of Nd and Pr. As such, the claimed invention would not have been obvious in view of Wang et al to one skilled in the art.

2. Claims 1 – 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mohri et al. (U.S. Patent No. 4,765,848).

As stated above, claim 1 has been amended to call for an alloy composition represented by  $R_x(Fe_{1-y}Co_y)_{100-x-z-w}B_zNb_w$  where R is at least one rare-earth element that consists of Nd and Pr. Mohri et al does not teach such an alloy composition. More particularly, Mohri et al teaches an alloy that requires the use of Ce and La, which is

different from the claimed invention. Moreover, Mohri et al contains no suggestion or motivation to employ an alloy with at least one rare earth element that consists of Nd and Pr. As such, the claimed invention would not have been obvious in view of Mohri et al to one skilled in the art.

3. Claims 1 – 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over each of Panchanathan (Panchanathan, U.S. Patent No. 5,725,792), as cited by the Applicants in the IDS submitted January 4, 2001.

The Examiner has relied on Panchanathan's example N, which achieves a coercivity of 399.5 kA/m and overlaps the constituent ranges called for in claim 1 of the claimed invention. The Examiner thus alleges that one of ordinary skill in the art at the time the invention was made would have considered the invention obvious because the alloy taught by Panchanathan has a composition that overlaps the claimed composition. In support of this allegation, the Examiner has cited *In re Best*, 195 USPQ 430, 433 (CCPA 1977) *In re Best* also states, however, that the prima facie case of obviousness may be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product. As such, Applicants respectfully assert that the claimed invention achieves unexpected results that render the claims unobvious in view of Panchanathan.

Referring to Table 1 of the specification of the claimed invention, it can be seen that Sample 4 teaches a Nb content of 1.2 at%, which is the same as that taught by example N of Panchanathan, above. Sample 4 of the claimed invention, however, achieves a coercivity of 496 kA/m. This value is much greater than the coercivity (399.5 kA/m) achieved by Panchanathan. In view of the coercivity achieved by the claimed

invention, which is much greater than that achieved by Panchanathan, Applicants respectfully assert that the products of Panchanathan do not possess the characteristics of the claimed invention, and therefore, the claimed invention is not obvious.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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